

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ALICIA STREET, et al.,)
Plaintiff,)
v.) Cause No. 4:19-CV-02590-CDP
LT. COL. LAWRENCE O'TOOLE, et al.,)
Defendants.)

RESPONSE TO ORDER TO SHOW CAUSE

In response to the Court's August 14, 2020 Order to Show Cause, Plaintiffs state the following:

1. On September 17, 2019, Plaintiffs filed the instant action against Defendants. At that time, Plaintiffs delivered Notices and Waivers to each Defendant by delivering them to the City of St. Louis Metropolitan Police Department.
2. The St. Louis Metropolitan Police Department rejected the delivery and returned the notices and waivers to Plaintiffs' counsel.
3. In lieu this delivery, the City Counselor's office agreed to work with the St. Louis Metropolitan Police Department and Defendants to confirm that Defendants were requesting representation by the City of St. Louis.
4. On January 16, 2020, Plaintiffs filed an Amended Complaint, adding a number of additional Defendants.
5. On March 17, 2020, the City Counselor's office entered its appearance on behalf of the vast majority of Defendants.

6. Upon receipt of the Court's Order to Show Cause, Plaintiffs' counsel and City Counselor's office have been communicating regarding whether the City Counselor's office will enter on behalf of Defendants Rebecca Andrews, Daniel Cora, Bradford Ellis, Orie Figgs, Michael Flatley, Derrick Frye, Daniel Howard, Jon Long, Brandon Moore, Aaron Mueller, William Olsten, Cliff Sommer, Christopher Tanner, Matt Tesreau, James Wurm, Dustin Boone, Bailey Colletta, Randy Hays, Steve Korte, & Christopher Myers.

7. Based on information received exchanged between Plaintiffs' counsel and the City Counselor's office, Plaintiffs have agreed to file, simultaneously with this Response, a motion to dismiss Orlando Morrison and Fred Klefisch without prejudice.

8. With regard to Defendants Rebecca Andrews, Daniel Cora, Bradford Ellis, Orie Figgs, Michael Flatley, Derrick Frye, Daniel Howard, Jon Long, Brandon Moore, Aaron Mueller, Cliff Sommer, Christopher Tanner, Matt Tesreau, and James Wurm, the City Counselor's office has indicated that it is in the process of contacting the remaining defendants and getting necessary approvals to represent them. Assuming they receive those approvals, the City Counselor's intends to enter their appearance regarding those Defendants. If they do not, the City Counselor's office will so inform Plaintiffs who will attempt to effectuate service on them.

9. The City Counselor's office has indicated that they should be able to complete this process for the Defendants in Paragraph 8 within the next 30 days.

10. With respect to Defendants William Olsten, Dustin Boone, Bailey Colletta, Randy Hays, Steve Korte, and Christopher Myers, the City Counselor's office has stated that they will notify Plaintiffs' counsel within 15 days if they will enter an appearance for these officers. If the City declines to represent these officers, Plaintiffs' counsel will expeditiously request summonses and serve these Defendants with a summons.

11. Accordingly, with consent of Defendants' attorneys, Plaintiffs request that the Court set a deadline for October 5, 2020, for either the City Counselor's office to enter an appearance on behalf of the remaining Defendants or for Plaintiffs to serve them.

WHEREFORE, for the reasons stated above, Plaintiffs respectfully request the Court to enter an order setting a deadline for October 5, 2020, for either the City Counselor's office to enter an appearance on behalf of the remaining Defendants or for Plaintiffs to serve them.

Date: August 28, 2020

Respectfully submitted,

KHAZAEI WYRSCH, LLC

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